

**HAMPTON PLANNING BOARD**

**Minutes**

**February 06, 2008 – 7:00 p.m.**

**PRESENT:** Tracy Emerick, Chair  
Robert Viviano, Vice-Chair  
Fran McMahon, Clerk  
Keith Lessard  
Tom Higgins  
Bill Faulkner  
James Steffen, Town Planner  
Kristina Ostman, Planning Coordinator  
**ABSENT:** Jim Workman, Selectman Member

**I. CALL TO ORDER**

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members and leading the Pledge of Allegiance to the flag.

**II. CONTINUANCES**

**08-006 47 & 49 Kings Highway**

Map # 223, Lot# 37

Site Plan Review & Condominium Conversion of 3-unit: Convert ownership of property from single owners to condominium ownership.

Waiver Requests: Section V. E. & VII (c)

Applicant/Owner: Owen Carter

**APPLICANT**

Applicant has requested a continuance to April 02, 2008 Planning Board meeting.

**MOVED** by Mr. Lessard to continue to the April 02, 2008 Planning Board meeting.

**SECOND** by Mr. McMahon

**VOTE:** 6-0-0 **MOTION PASSED**

**III. NEW PUBLIC HEARINGS**

**08-004 72 Kings Highway**

Map# 210, Lot# 4

Site Plan Review to provide 17 on-site parking spaces for lot occupants and customers, with fencing and plantings.

Waiver Requests: Section V.E & VII (c)

Applicant/Owner: M & F Hampton, LLC

**APPLICANT**

Atty. Peter Saari representing M & F Hampton LLC and Mary Ellen Fennessy-McDermott

Mr. Saari explained they have appeared before the ZBA and have received the necessary variance for the parking lot in a zone that does not allow parking lots. With the exception of allowing the customers to park in front of the store, parking will no longer be possible in front of the building with the placement of planters.

## **HAMPTON PLANNING BOARD**

### **Minutes**

**February 06, 2008 – 7:00 p.m.**

The intent is to provide off-site parking for the store with the proposed parking to the side. The tenants of the trailer park will no longer be leasing spaces; the parking within the lot would now be for the use of the tenants (apartment upstairs and the house) and the patrons of the shop.

### **BOARD DISCUSSION**

Mr. Higgins asked about the two waivers (detailed plan and storm drainage) that they are requesting. Are they asking for a waiver from paving of the parking lot, and inquired about the dimension of the parking spaces.

Mr. Steffen explained that the Board does not typically address the issue of paving as a separate waiver request – it is done as the Board is considering the application.

Mr. Saari stated that the parking spaces dimensions are correct, and stated that the plan is very busy now and that is why the elevations are not shown.

Discussion between the Board Members and Mr. Saari on the issue of customers parking at the edge of the right way and the edge of the property, and in front of the store. Mr. Saari explained that they would not be removing the pavement that is in front of the store and cannot control how people park on the street.

Mr. McMahon asked how the entry way and the parking spaces will be delineated. Mr. Saari stated that the parking lot will stay as it is now, gravel and not eco-pavers. Ms. Fennessy-McDermott stated that the lot would not be paved, as this is to allow for drainage of water.

Mr. Steffen spoke to the concerns as outlined in his memo. How will the parking be designated for the upstairs apartment and the house in the rear? Ms. Fennessy-McDermott stated the spaces at the end will have designated signage. Mr. Steffen asked how the parking lot would be maintained, if it is not upgraded. Ms. Fennessy-McDermott stated the parking lot is hard packed gravel now and will stay the same. Mr. Steffen then asked how the drainage will be accommodated. Mr. Saari stated that they are not changing it and that is the reason why they did not want to do paving.

Discussion: Drainage. Mr. McMahon stated that there is a high point in the middle of lot, and the elevation is lower as one approaches the road and it appears that the parking spaces numbered 1, 3, 9, 10, & 11 would be in a puddle. Ms. Fennessy-McDermott stated that other than last year's storm, there has not been a problem. It was noted by the Members, that the parking has not been there in the winter, and therefore the drainage issues is an unknown.

Mr. Emerick stated that the area has been used as a parking lot.

Mr. Steffen then asked if there will be curb stops to help define the spaces to protect the fence and building. They agreed to that.

Mr. Higgins questioned how the snow will be prevented from being plowed into the wetlands buffer. The applicant will need to assure that this does not happen, and they should make every effort to prevent the snow from being plowed into the wetlands buffer, possibly by placing snow fencing or bollards before the wetlands buffer.

**HAMPTON PLANNING BOARD**

**Minutes**

**February 06, 2008 – 7:00 p.m.**

Mr. Lessard asked about the parking space #6, as the landing for the stairs is in the parking space. Mr. Lessard is concerned about the public safety, and maybe this should be sent out to the Fire Department for review.

Ms. Fennessy- McDermott suggested that the stairs could be angled and then the landing would be located away from parking space.

Discussion: This application is for site plan review on the parking lot, with the exception of the requested waivers. Location of trash barrels and they placement there of. Durable pavement, something that would hold up to vehicle traffic.

**PUBLIC**

Mr. Randy Radkay, developer of adjacent property. Mr. Radkay does not have an issue with the parking lot, however he is concerned about the requested the waiver on drainage. The application should address the stormwater and where will it drain. Mr. Radkay submitted photos showing the property; as of today; which shows that the water on the site is puddling. The plan submitted with the application does not show the elevations and he submitted his plan to help identify the elevations on the lot. Mr. Radkay suggested that the site be permanently graded and that the grade should not be pitched toward his property, as he does not want to deal with their water. The issues of snow storage, and roof run-off should be addressed.

**BOARD DISCUSSION**

Discussion: The issue of the high point of the lot, drainage, and that the area should be graded. These issues should be addressed.

Discussion: Design Construction Requirements Section VII. C Landscaping and Screening Plan. The Board discussed this requirement and decided to address this issue after submittal of the updated plan.

**MOVED** by Mr. Lessard to deny requested waiver for Detailed Plan, Section V.E. 8. Stormwater Drainage Control Plan.

**SECOND** by Mr. McMahon

**VOTE:** 5-1-0 Mr. Higgins voted in opposition **MOTION PASSED**

**MOVED** by Mr. Lessard to grant requested waiver of Detailed Plan, Section V.E. Landscaping Plan [Snow storage is to be shown].

**SECOND** by Mr. Faulkner

**VOTE:** 5-1-0 Mr. Higgins voted in opposition **MOTION PASSED**

**MOVED** by Mr. Lessard to send out for review by the following: Fire Department, Highway Safety, Police, and DPW.

**SECOND** by Mr. Viviano

**VOTE:** 6-0-0 **MOTION PASSED**

**MOVED** by Mr. Viviano to continue to the March 19, 2008 Planning Board meeting.

**SECOND** by Mr. Lessard

**VOTE:** 6-0-0 **MOTION PASSED**

**HAMPTON PLANNING BOARD**

**Minutes**

**February 06, 2008 – 7:00 p.m.**

**08-005 4 Atlantic Avenue**

Map # 296, Lot# 36

Site Plan Review to demolish existing 3 units (two buildings) and replace with one new 3-unit structure.

Waiver Requests: Section V. E. & VII (c)

Applicant/Owner: Ricky S. Blais & Barbara A. Blais

**APPLICANT**

Atty. Peter Saari of Casassa & Ryan and Ricky Blais, Homeowner.

Mr. Saari explained the intent of the proposal is to demolish the two existing buildings that contain three units. The new building will conform to the deed restrictions. The necessary variances for the project have been received. The parking variance was for the reduction from the required six parking spaces to three. Overall, the project is better for the Beach. The variances that were granted include relief from the multi-family setbacks.

**PUBLIC** No Public Comment.

**BOARD DISCUSSION**

Mr. Higgins asked whether they have received a variance for multi-family use, as the use is not allowed in the RB district. Mr. Saari stated that RB is zoned for Multi-family and is allowed.

Mr. Steffen explained that they did receive the necessary variances for multi-family use.

Mr. Higgins clarified what the parking variance was for - they did not receive a variance to allow stacked parking, they received a variance for not having enough parking (less than six required - three parking spaces).

Discussion on the two plans, (Architect and Land Surveyor) the Board should be reviewing the Millennium drawn Site Plan, as an Architect cannot establish property lines. The Millennium site plan does not show the parking inside the building, and it should. The site plan should show the snow storage, permeable surface, sidewalks, air conditioning units, fencing, and lighting. The site plan should also show curbing in reference to the driveway, as well as the "not approved parking" (stacked parking). DPW would have to grant permission for the driveway width greater than 24 feet (32').

Mr. Higgins mentioned the property's history with flooding problems, either from the water that crests during storm surges, or from rainwater coming from Ocean Blvd; the water flows to this property, as well as to their abutter, as these properties are located at the low spot on the street.

Question as to where or is there a basement, Mr. Blais stated that there is a full basement under the living area of the first floor and not under the garage.

Mr. Emerick stated that the Site Plan requirements do require elevations, and questioned whether the Board has ever reviewed basements.

Discussion on the ZBA and Planning Board plan submittals. The plans appear to differ, and the differences need to be known. The Department Heads should have detailed plans and the application should be presented to the Hampton Beach Area Commission. In addition, does the

**HAMPTON PLANNING BOARD**

**Minutes**

**February 06, 2008 – 7:00 p.m.**

proposal have any deed restrictions that would hamper the design of the proposal as presented and, if so, then that should be addressed as well?

**MOVED** by Mr. Lessard to deny the requested waiver for Detailed Plan, Section V.E. 8. Stormwater Drainage Control Plan.

**SECOND** by Mr. McMahon

**VOTE:** 5-1-0 Mr. Higgins voted in opposition **MOTION PASSED**

**MOVED** by Mr. Lessard to deny the requested waiver for Detailed Plan.

**SECOND** by Mr. McMahon

**VOTE:** 6-0-0 **MOTION PASSED**

**MOVED** by Mr. Lessard to deny the requested waiver of Design Construction Requirements Section VII. C Landscaping and Screening Plan.

**SECOND** by Mr. McMahon

**VOTE:** 6-0-0 **MOTION PASSED**

**MOVED** by Mr. Lessard to continue to the March 19, 2008 Planning Board meeting.

**SECOND** by Mr. McMahon

**VOTE:** 6-0-0 **MOTION PASSED**

**08-007 Bonair Ave. & Locke's Field (40, 48 & 50 Esker Drive Rear)**

Map 209, Lot 50

Minor Lot line Adjustment: to transfer a total of 46,290 s. f. to the following properties: 40 Esker Drive - 15,987 s. f. Lot 34, Map 209; 48 Esker Drive - 21,389 s. f. Lot 39, Map 209; and 52 Esker Drive - 8,933 s. f. Lot 40, Map 209.

Applicant: Peter Olney

Owner of Record: Meadow Pond Farm Group

**APPLICANT**

Peter Olney, Applicant and Michael Walsh, one of the abutters who are purchasing land. Mr. Olney gave a history of the subdivision; there are deed and conservation restrictions on the property. Portions of the remaining field are to be transferred to three property owners; the remaining area will be in the shape of "T" and be of a width of twenty feet.

Mr. Olney is attempting to divest himself of the land and has approached his abutters to sell the all the remaining land.

**BOARD DISCUSSION**

The Question as to whether this is a subdivision lots [one lot to five lots] then a transfer of title through lot line adjustment was asked by Mr. Higgins and Mr. Olney replied that he felt that it was not a subdivision.

Does this lot line adjustment create a new non-buildable lot. It was stated that the lot before the transfer was a non-buildable lot and that the transfer reduces the non-buildable original lot.

Questions on who will own the remaining land after the land transfer; what will happen to the conservation and deed restrictions; do the restrictions go with the land transfers; as the lot line (boundary description) will now disappear, how will the restrictions be identified.

**HAMPTON PLANNING BOARD**

**Minutes**

**February 06, 2008 – 7:00 p.m.**

Discussion on the issue of the Board's authority and the legality in creating a new un-buildable lot by issuing an approval on this plan, also, the Conservation Commission is affected and should weigh in on this application.

**PUBLIC**

Mary Ellen (Ring) Ageminin, Abutter. Ms. Ageminin's property abuts on the Winnacunnet side of the Meadow Pond Farm Group. Her question is about the land that abuts her; is it a neck or a right away and does the transfer of land include the neck. The neck of land is not part of this land transfer.

**BOARD DISCUSSION**

Discussion: What will happen to the remaining land (the "T")? The issue of the legality of the transfer that creates a non-conforming lot needs to be addressed before the Board votes on this application.

**MOVED** by Mr. Lessard to send out for Legal Counsel's review, and the Conservation Commission for their comment and input. Continue the hearing to March 05, 2008.

**SECOND** by Mr. Viviano

**VOTE:** 6-0-0

**MOTION PASSED**

**08-008 597 & 603 Lafayette Road**

Map 126, Lot 56

Subdivision & Site Plan Review: re-establish prior lot line and the remove pavement on 8 parking spaces, install eco-pavers.

Waiver Requests: Section V.E

Applicant/Owner: KR Hampton, LLC

**APPLICANT**

Atty. Peter Saari of Casassa & Ryan and Joseph Coronati, Beach and Jones representing M & F Hampton.

Mr. Saari explained that this is a subdivision and site plan review of the existing lot, which had been previously two lots. The former owner combined the lots and the new owner wishes to spilt them. The first lot contains the former movie theater and conforms to the zoning requirements for retail, and the second lot contains the Burger King. Both lots conform to zoning except that the Burger King lot does not due to the impervious surface ratio.

Mr. Coronati gave an overview of the history of the property and the reason for the proposed subdivision. As a single lot the lot conforms to the impervious surface ratio, with the lot spilt, the impervious surface is greater for the second lot and that is why the eco-pavers are proposed for eight parking spaces.

Mr. McMahon asked about the existing conditions and the parking calculations for the Burger King.

Both Mr. Coronati and Mr. Saari explained the easements and the parking arrangements for the two uses. There are cross easements for access to the condominiums; access to both uses; access to the parking and the parking spaces. The arrangement of the easements will stay the

**HAMPTON PLANNING BOARD**

**Minutes**

**February 06, 2008 – 7:00 p.m.**

same. Legal documents will be drawn up to reflect all easements for parking and drainage and will be shown on the plans.

Mr. Andy Rose – Owner. Mr. Rose explained that the entire lot has easements for parking access and utility. There will be no change in the operation of the property and will continue to be the same for both lots.

Discussion: Who has the rights of the easements; how they are to be shown on the plan for recording purposes. It was stated that both the subdivision and the site plan will be recorded, and will show all the easements.

**PUBLIC** No Public Comment.

**MOVED** by Mr. Lessard to grant the requested waiver under Detailed Plan, Section V.E.

**SECOND** by Mr. McMahon

**VOTE:** 6-0-0

**MOTION PASSED**

**MOVED** by Mr. Lessard to approve the subdivision to re-establish the original lot line with minor modifications (two lots and eco-pavers for eight parking spaces), and subject to the recommendations of the Planners memo of February 05, 2008.

**SECOND** by Mr. Viviano

**VOTE:** 6-0-0

**MOTION PASSED**

**08-009 Service Road (Water Tank) off Falcone Circle and Exeter Road.**

Map 53, Lot 1

Site Plan Review for Antenna Location on Water Tank.

Waiver Requests: Section V.E. (1), (5), (8), (13), & (15)

Applicant: Verizon Wireless

Owner of Record: Aquarion Water Company

**APPLICANT**

Mr. Tom Hildreth, from McLane Law Firm and Tom Moser, of Verizon Wireless.

Mr. Hildreth explained that the installation of the antennas will be similar to the AT&T antennas that currently exist on the water tank. There will be an equipment building, which is slightly larger than the AT&T equipment building. The building is unmanned and once or twice a month a technician will inspect the site to ensure that the antennas and the equipment are operating properly.

Mr. Moser explained that this installation is a co-location installation, and will enhance the service for the northern part of Hampton, increase coverage by two miles.

**PUBLIC** No Public Comment.

**BOARD DISCUSSION**

General comments were made about coverage increases; siting towers in North Hampton, and abutter notification.

**MOVED** by Mr. Lessard to grant the Waiver Requests: Section V.E. (1), (5), (8), (13), & (15)

**SECOND** by Mr. Faulkner

**HAMPTON PLANNING BOARD**

**Minutes**

**February 06, 2008 – 7:00 p.m.**

**VOTE:** 6-0-0

**MOTION PASSED**

**MOVED** by Mr. Viviano to approve the application with the Planners recommendations.

**SECOND** by Mr. Lessard

**VOTE:** 6-0-0

**MOTION PASSED**

**IV. CONTINUED PUBLIC HEARINGS**

**07-093 30, 34 & 36 River Avenue Continued from 11/07/07 & 12/19/07**

Map 296 Lot 157

Site Plan Review to construct a new two-family duplex to replace two units that were destroyed.

Waiver Request: Section V. E. 1, 2, 4, 8 and 15; Section VII B. 1.

Applicant: Andrew Guthrie

Owner of Record: Nana Beach Realty Trust

**APPLICANT**

Sharon Somers of Donahue, Tucker & Ciandella, representing Andrew Guthrie and Eric Wienrieb of Altus Engineering.

Ms. Somers gave a brief overview of the history of the proposal. They have worked very hard to provide the information requested and to address the number of concerns expressed by the Board at the meeting in November of 2007. Ms. Somers stated she will address the issues and concerns and that Mr. Wienrieb will explain the technical issues and the drainage.

Ms. Somers explained the parking arrangement, showing the four spaces in the two buildings and the existing space that services the existing building (unpaved space). Indicated on sheet A-2.

Ms. Somers stated that they have addressed the Boards concerns in that the plans are to show the property dimensions accurately and she thinks that they have done that.

Ms. Somers outlined the waivers that were denied and informed the Board what has been provided.

Section V. E. 1 Existing Topographic Plan and Contours. The information is now shown on the plan.

Section V. E. 4 Typical Pavement Section. The information is now shown on the plan. The eco-pavers and the bituminous concrete are now shown on the plan.

Section V. E. 8 Stormwater Drainage Control Plan. The information is now shown on the plan and Mr. Wiener will explain this.

Section V.E. 15 Soil Erosion and Sediment Control Plan. The information is now shown on the plan.

Section VII. B.1 Paving of Driveways. The additional information is now shown on the plan. The intent is to discourage any additional parking on the site.



**HAMPTON PLANNING BOARD**

**Minutes**

**February 06, 2008 – 7:00 p.m.**

Landscaping and light information has now been provided; snow storage is now depicted in two areas of the site.

Ms. Somers stated that she and the Town Planner met yesterday to discuss Ambits Engineering review letter and the reviews that Departments Heads submitted with the exception of DPW. This meeting was work out any additional issues and to address them.

Mr. Steffen read the DPW comments and recommendations for development. DPW suggested that the eco-pavers be placed in the right away.

**PUBLIC** No public comment.

**BOARD DISCUSSION**

Mr. Higgins asked questions about the plans, clarified what floor was the first floor (the first floor is the second floor). The area within the garages was clarified as workspace. Mr. Higgins further inquired as to the locations of the property lines; Mr. Wienrieb identified the location of the property lines for the Board.

Mr. Lessard asked how they would treat the surface of the parking space for the existing unit. The parking space will remain sand. In addition, any area not affected will remain the same with no disturbance. A note on the plan reference that issues.

Discussion: Eco-pavers, who will maintain the material in the public way. It was stated that if the eco-pavers were installed on Town property, it would be the property owner who would be the maintainer, not the Town.

Discussion on the following issues. The proposed driveways do not have the proper amount of area that is needed for maneuvering. That this is an intensification of the former use. Even though the proposal stated that this to rebuild the two units that were burned, it is a new structure, a new development, which can have negative effects on the surrounding neighborhood.

**MOVED** by Mr. Higgins to continue to the March 19, 2008 meeting.

**SECOND** by Mr. Faulkner

**VOTE:** 6-0-0

**MOTION PASSED**

**V. CONSIDERATION OF MINUTES of January 16, 2008**

**MOVED** by Mr. Viviano to approve as submitted.

**SECOND** by Mr. Faulkner

**VOTE:** 5-0-1 Mr. Faulkner abstained

**MOTION PASSED**

**VI. CORRESPONDENCE/ OTHER BUSINESS**

Mr. Steffen read a letter from Maplecroft Building and Development, the developer of 18-20 Keefe Avenue; a 10-unit condominium project, in which they are requesting an additional one year extension on the approval of the project.

Mr. McMahon inquired about the number of prior extensions that have been requested for this development. Mr. Steffen explained that this is the second extension request for the development.

**HAMPTON PLANNING BOARD**

**Minutes**

**February 06, 2008 – 7:00 p.m.**

**MOVED** by Mr. Mr. Higgins to approve a 1-year extension for this project.

**SECOND** by Mr. Faulkner

**VOTE:** 6-0-0

**MOTION PASSED**

**VII. OTHER BUSINESS**

Mr. Higgins requested discussion on the following items:

1. Applications for Planning Board. The application should ask if “the property” is in a Flood Zone and what zone it is, and if it is near or abutting wetlands. The question should be added to all applications of the Planning Board. Mr. Steffen explained that it is currently required under the “Detailed Plan” requirement for Site Plan Review. Discussion: This item should be included on all Planning Board applications.
2. Where is the checklist for applicants, which instructs applicant to appear before the others Boards before appearing before this Board? Mr. Emerick answered that the checklist is currently in front of the Board of Selectmen.
3. That the language of “Yard” is still in the zoning proposal, is it too late to have it removed? Discussion ensued on whether it is too late to remove the wording from the Ballot. It was thought to be too late. Discussion: Was it supposed to be removed from the zoning proposal or just separated from the wording of “Setback”. The audio of the meetings will be reviewed to determine if it was to be removed from the zoning or just separated.

**VIII. ADJOURNMENT**

**MOVED** by Mr. Viviano to adjourn.

**SECOND** by Mr. Faulkner.

**VOTE:** 5-0-1

Mr. Workman abstained

**MOTION PASSED**

Meeting adjourned at 09:32PM

Respectfully Submitted,

Kristina G. Ostman  
Planning Coordinator